

Attorney's Docket No. 019519-342Application No. 10/022,244

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**REMARKS**

In the Official Action, the Examiner identified certain claims as being in "product-by-process" format, indicated the status of the priority documents and set forth a variety of rejections based on double patenting and "prior art" grounds under 35 U.S.C. §102(e). The Examiner only objected to claim 11 and indicated that such claim would be allowable if rewritten in independent form.

In considering the points raised in the Action, applicants initially note that from the Examiner's position concerning claim 7 as being in "product-by-process" format, the Examiner is referring to dependent claim 3, instead of claim 2 which defines the presence of an anodic oxide film having pores with structural dimensions and an image-forming layer containing a light-to-heat converting agent provided on the anodic oxide film. In this respect, the present Amendment not only makes certain revisions throughout the specification, but amends claim 1 to incorporate the substantive subject matter of claim 2 and to further recite that the maximum inside diameter of the pores is larger than the mouth diameter of the pores. Such recitation is consistent with the description provided in the specification such as in the last paragraph on page 14 of the specification. To provide a further understanding of this aspect of the present invention, applicants hereby provide a representation of the pore structure of the anodic oxide film in accordance with the recitations of claim 1.<sup>1</sup>

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<sup>1</sup> Applicants hereby note to the Examiner the existence of allowed U.S. Patent Application Serial No. 09/827,934 and are concurrently providing an Information Disclosure Statement with a copy of the as-filed application and the filed Amendments.

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In light of the amendments to the claims, applicants respectfully submit that the rejections set forth in the Official Action are not applicable. For instance, the provisional obviousness-type double patenting rejection over claims 17-18 of copending application Serial Number 09/854,691 has only been applied to original claim 1 so that this rejection, as well as the rejection of claim 1 under 35 U.S.C. §102(e) over published U.S. Patent Application No. 2002/0094490, are believed to be moot due to the incorporation of the substantive subject matter of claim 2 into claim 1. With regard to the other rejections set forth in the Official Action, applicants respectfully submit that none claim or disclose the presently claimed lithographic printing plate precursor comprising a metal support having anodic oxide film with pores having a defined mouth diameter and maximum inside diameter with the maximum inside diameter being larger than the mouth diameter with the precursor further having an image-forming layer containing a light-to-heat converting agent provided on the anodic oxide film. In this respect, it is evident from the disclosed treatment steps that the defined pore structure of the anodic oxide film is not inherent with the simple preparation and formation of a conventional anodic oxide film.

As to each of the rejections under 35 U.S.C. §102(e), if an attempt is made to change the rejections to ones based on 35 U.S.C. §103(a), applicants note that each of the cited documents is commonly assigned to Fuji Photo Film Co., Ltd. and, since applicants were under an obligation to assign their invention to the same entity at the time they made their invention, none of the documents would be available as "prior art" under 35 U.S.C. § 103(a).

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Since all matters are believed to have been resolved by the instant response, applicants respectfully request reconsideration and allowance of the present application.<sup>2</sup>

Should the Examiner wish to discuss any aspect of the present application, he is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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Date: July 31, 2003

<sup>2</sup> The certified copies of the Japanese priority applications are concurrently being filed herewith and applicants request acknowledgment of receipt of the documents in the next Official Action.

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10/022,244 LITHOGRAPHIC PRINTING PLATE PRECURSOR

Application Data	Transaction History	Image File Wrapper	Patent Claims Amendments	Foreign Priority	Published Documents	Publication Dates
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This application is officially maintained in electronic form. To View: Click the desired document(s) and click StartDownload.

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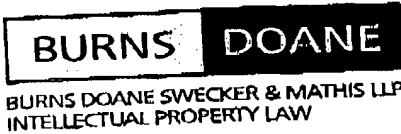
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04-15-2004	Notice of Appeal Filed
04-15-2004	Extension of time from Applicant - filed as separate letter
04-14-2004	Advisory Action (PTOL-303)
04-14-2004	Amendment After Final or under 37CFR 1.312, initiated by the examiner.
03-15-2004	Amendment Submitted/Entered with Filing of CPA/RCE
03-15-2004	Applicant Arguments or Remarks Made in an Amendment
03-15-2004	Terminal Disclaimer Filed
03-15-2004	Translation of Foreign Priority Documents
07-31-2003	Foreign Priority Papers Filed
07-31-2003	Foreign Priority Papers Filed
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07-31-2003	Foreign Priority Papers Filed
07-31-2003	Information Disclosure Statement
07-31-2003	NPL Documents
07-31-2003	Extension of time from Applicant - filed as separate letter
07-31-2003	Final Rejection
02-04-2003	Non-Final Rejection
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01-24-2003	Examiner Search Notes
02-27-2002	Applicant Response to Pre-Exam Formalities Notice
02-27-2002	Oath or Declaration filed
01-24-2002	Pre-Exam Formalities Notice
12-20-2001	Issue Information on File Wrapper
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**Your Reference:** A.N. 10/022,244

**Our Reference:** 019519-342

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### Message

In response to your inquiry today regarding missing data from pages 3, 9, 15, 21, 25, 26, 27, 36, 98, 121, 137, 139, 146, 160 and 189 of the PTO specification, it appears to us that the Amendment filed in this application on July 31, 2003 was not scanned into the electronic image for this application and is accordingly missing from the image file wrapper. This Amendment contained revisions to the pages which you have identified as containing missing data, and a further copy of this Amendment is transmitted herewith.

Also transmitted is a copy of the index for the Image File Wrapper obtained from the Private PAIR which shows an entry identified as "07-31-2003 Final Rejection." When you click on this link what appears is the Final Rejection mailed in this application on 10-15-2003. The Amendment that was actually filed on 07-31-2003 does not appear in the index.

Please let me know if you require anything further.